

 <b>KENTUCKY CORRECTIONS</b> Policies and Procedures	Policy Number	Total Pages
	27-30-02	5
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	Amended 12/9/08	February 6, 2009
Authority/References KRS 196.035, 439.265, 439.348, 439.480(3), 533.030 P & P ACA Standards 3-3131, 3-3132, 3-3136, 3-3140	Subject  <b>SEX OFFENDER SUPERVISION</b>	

## I. DEFINITIONS

“Collateral contact” means contact regarding a specific offender with anyone other than the person on supervision.

“Comprehensive Sex Offender Presentence Evaluation” or "CSOPE" means the evaluation required by KRS 532.050(4).

“Conditions of supervision” means a written document which lists the rules the offender agrees to comply with while on supervision.

“Initial interview” means the first meeting between the officer and the offender.

“Level of supervision” means the frequency and type of contact between the officer and the sex offender under supervision.

“Personal contact” means face-to-face contact between the officer and the offender.

“Record check” means a local criminal record check which may be completed using the Administrative Office of the Courts automated system.

“Risk scale assessment” means a classification device designed to assess an offender’s probability for further criminal behavior.

“Sex offender” is defined by KRS 17.500(9) or by the releasing authority.

“Sex offender conditional discharge” means conditional discharge as required by KRS 532.043.

“Sex offender treatment program” means a specialized mental health treatment program developed for sex offenders, as defined by KRS 197.400 through 197.440.

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“Supplemental conditions of supervision for sex offenders” means a written document which lists the additional rules the sex offender agrees to comply with while on supervision.

## II. POLICY and PROCEDURE

- A. An offender on supervision shall be classified by means of a risk scale assessment. See CPP 27-12-02 for the risk scale assessment.
- B. A sex offender shall only be assessed to high or moderate level supervision. This determination shall include consideration of the risk scale assessment and any recommendations of sex offender treatment providers.
  1. Any sex offender scoring below moderate level on the risk scale assessment shall be overridden to moderate level supervision.
  2. Exceptions may be granted on a case by case basis by the Sex Offender Program Administrator based on:
    - a. Offender risk; or
    - b. The availability of the offender for supervision due to extraordinary circumstances such as the need for long-term health care or treatment programs.
  3. If an offender has a lifetime term of supervision, an exception may be granted only after successful completion of a sex offender treatment program.
- C. Sex offenders shall be monitored as follows:
  1. High risk sex offenders shall require a minimum of two personal contacts, one home contact, one collateral contact with sex offender treatment personnel, and one record check per month.
  2. Moderate risk sex offenders shall require a minimum of one personal contact, one home contact, one collateral contact with sex offender treatment personnel, and one record check per month.
  3. Personal contacts shall be made in the field if at all possible.
- D. In addition to the standard conditions of supervision outlined by CPP 27-12-04, any offender on parole, probation, shock probation, or sex offender conditional

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discharge for a sexual offense shall be subject to the appropriate supplemental conditions of supervision for sex offenders.

- E. If granted by the supervising officer or releasing authority, a sex offender may use a computer under the guidelines set forth by the Computer Use Monitoring Agreement. This document shall be signed and dated upon the officer's approval.
- F. Requirement of a Sex Offender Treatment Program shall be as follows (3-3151):
  - 1. Any probated sex offender, shock probated sex offender, or sex offender conditional dischargée shall be referred to a sex offender treatment program pursuant to KRS 532.045(4).
  - 2. Any other probationer or shock probationer shall be referred to a sex offender treatment program if required by the releasing authority.
  - 3. Any sex offender on parole shall be referred to a sex offender treatment program pursuant to KRS 197.400 and 439.340(12).
  - 4. Any parolee shall be referred to a sex offender treatment program if required by the Parole Board pursuant to KRS 439.346.
  - 5. If an officer determines that an offender not covered by 1-4 above may benefit from the Sex Offender Treatment Program, the officer may request that this condition be added by way of an amended order from the releasing authority.
- G. An offender convicted of a sex crime as defined in KRS 17.500 shall register with the Kentucky State Police Sex Offender Registry. See CPP 27-30-01 and KRS 17.510.
- H. Sex offenders who fit the criteria in KRS 532.043(1) and (6) shall be supervised by the Division of Probation and Parole. The period of supervision is set forth in KRS 532.043(2).
  - 1. If the sex offender's home placement is located outside the Commonwealth of Kentucky, the proper Interstate Compact documents shall be submitted in accordance with CPP 27-14-01.
  - 2. One hundred eighty (180) days prior to release, the sex offender shall provide home placement information in writing to the institutional designee showing the sex offender's planned residence while on conditional discharge. If the sex offender's home placement is located outside the Commonwealth of Kentucky, the proper Interstate Compact

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documents shall be submitted in accordance with CPP 27-14-01. The sex offender shall sign a release of information to allow information from the CSOPE to be forwarded by Interstate Compact if requested by the receiving state in order to transfer to the receiving state.

3. The sex offender's home placement shall be investigated by an officer in the county the sex offender plans to reside. If the sex offender's residence is approved, the officer shall send the approval in writing to the Placement Manager. If rejected, the officer shall send the rejection in writing to the Placement Manager. The caseworker may contact the officer assigned to investigate the home placement to assist in finding suitable placement. The institutional designee shall ask the sex offender whether the offender has knowledge of any schools or licensed daycares that are within 1000 feet of the proposed home placement, pursuant to KRS 17.545.
4. Prior to being released from the institution, the sex offender shall sign an acknowledgment that the sex offender was given instructions and the address of the Probation and Parole office to report to in the county of the offender's residence. A copy of the home placement document, the criminal offender registry form, and the registrant responsibility form shall be forwarded by the institutional offender information staff to the officer in the county where the sex offender is to reside.
5. The sex offender shall be placed on an officer's active caseload after his release from an institution. A parolee who receives a final discharge from parole shall be retained on an officer's active caseload. The designation of the offender shall be "conditional dischargee." The officer shall read the conditions of supervision to the conditional dischargee and provide the dischargee with a copy of the conditions of supervision and any special conditions imposed. If the conditions remain the same, the conditional dischargee shall be so notified. The officer shall notify the sex offender's court of origin of the sex offender's release and supervision as a conditional dischargee.
6. The supervision of a conditional dischargee shall be governed by the same requirements governing the supervision of a person placed on probation following conviction for a sex offense except that:
  - a. An officer shall obtain a warrant from the releasing authority if detention is required and shall not use a Probation and Parole Detainer for this purpose; and
  - b. Violation of any condition shall be reported in writing to the Commonwealth Attorney in the county of conviction.

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7. If the conditional dischargee is reincarcerated for a violation of his conditional discharge conditions of supervision, the officer shall submit a prisoner intake notification. Furthermore, the conditional dischargee shall receive credit for every day the conditional dischargee remains on release.
- I. Deoxyribonucleic Acid samples shall be collected pursuant to KRS 17.170 within the first 60 calendar days of probation supervision. Officers shall ensure that parolees or conditional dischargees have previously met this requirement while incarcerated.
  - J. Officers supervising a sex offender caseload shall receive specialized training as follows:
    1. Prior to assuming a specialized sex offender caseload, the officer shall complete a minimum of 16 hours from any of the following:
      - a. Computer Based Training Modules on Sex Offender Management;
      - b. Clinical hours with Sex Offender Treatment Program staff;
      - c. Platform instruction on Sex Offender Management;
      - d. On the job training provided by a sex offender officer with at least two years experience with sex offender supervision;
      - e. On the job training provided by the Sex Offender Program Administrator; and
      - f. Other training sources approved by the Director of Probation and Parole or designee.
    2. Officers shall receive a minimum of eight hours specialized training annually from the above listed sources.
  - K. Officers shall work directly with appropriate Sex Offender Treatment Program and other staff as outlined by CPP 13.6.